

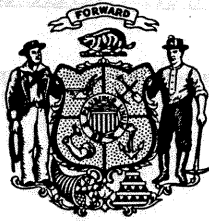
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-074

AN ORDER to create PD 1.04, relating to certification criteria.

Submitted by **STATE PUBLIC DEFENDER**

04-15-99 RECEIVED BY LEGISLATIVE COUNCIL.

05-11-99 REPORT SENT TO AGENCY.

RNS:DLS:jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES ☐

NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☐

NO ☒

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☐

NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached

YES ☐

NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☐

NO ☒

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐

NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐

NO ☒

SECTION 1. PD 1.04 (2) is created to read:

**PROPOSED ORDER OF THE STATE PUBLIC DEFENDER BOARD
CREATING A RULE**

The Wisconsin state public defender board proposes an order to create PD 1.04 (10), relating to certification criteria.

Analysis By Agency:

The Office of the State Public Defender (SPD) is authorized by s. 977.05 (5)(e), Stats., to sponsor conferences and training. The use of the word "sponsor" indicates a commitment of agency resources. In addition, s. 977.05 (5)(e), Stats., contemplates that the agency might obtain revenue from such conferences and training by authorizing the SPD to charge tuition for attendance at such programs. Any revenue received must be deposited in s. 20.550 (1)(i), Stats.

Chapter PD 1, Wis. Admin. Code, expands upon the SPD's training function as it relates to private attorneys who seek public defender certification. For instance, pursuant PD 1.04 (2m), an attorney must complete a certain number of credits of "state public defender provided legal education" in order to be certified for specific types of cases, such as chapter 51 or 55 cases and termination of parental rights cases. Further, pursuant to PD 1.04 (9), an attorney must complete 6 hours of SPD approved continuing legal education each calendar year in order to remain certified to accept public defender cases. Finally, in order to be certified to accept appellate cases under PD 1.04 (5), an attorney must complete a certain number of credits of state public defender approved education prior to applying for appellate certification.

The proposed rule will ensure that the legal education and training required for public defender certification is offered to private attorneys by the agency. The proposed rule also defines "sponsor" and "tuition" as those terms are used in s. 977.05 (5)(e), Stats.

Promoting conferences and training programs for staff and private attorneys as well as recouping some of the costs associated with conferences and training sponsorship is consistent with the agency's mission and statutory authorization.

Statutory authority: s. 977.02 (5), Stats.

Statute interpreted: s. 977.05 (5)(e), Stats.

SECTION 1. PD 1.04 (10) is created to read:

PD 1.04 (10) The state public defender shall offer training for private attorneys seeking certification under this chapter. As used in s. 977.05 (5)(e), Stats., "sponsor" means to use state public defender resources to produce and promote state public defender conferences and training programs. As used in s. 977.05 (5)(e), Stats., "tuition" means all revenue realized from state public defender conferences and training programs and materials.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated: 4/12/99

Wisconsin State Public Defender Board

By: Daniel M. Berkos
DANIEL M. BERKOS, Chair